



PRESENT:

Mr. Daniel A. Gecker, Chairman
Mr. Sherman W. Litton, Vice-Chairman
Mr. Phillip G. Cunningham
Mr. Ronald K. Stack
Mr. Thomas E. Jacobson, Secretary to the Commission,
Planning Director

ABSENT:

Mr. Russell J. Gulley

ALSO PRESENT:

Mr. Kirkland A. Turner, Development Manager,
Community Development
Mr. William D. Poole, Assistant Director,
Development Review, Planning Department
Mr. Glenn E. Larson, Assistant Director, Plans and Information
Section, Planning Department
Ms. Beverly F. Rogers, Assistant Director, Zoning and
Special Projects, Planning Department
Mr. Robert V. Clay, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Jane Peterson, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Darla W. Orr, Senior Planner, Zoning and
Special Projects, Planning Department
Mr. Gregory E. Allen, Planning Administrator,
Development Review, Planning Department
Mr. David A. Hainley, Planning Administrator,
Development Review, Planning Department

Ms. Barbara Fassett, Planning Administrator, Advance Planning

and Research Branch, Planning Department
Mr. James K. Bowling, Principal Planner, Advance Planning
and Research Branch, Planning Department
Mr. George W. Schanzenbacher, Principal Planner, Advance
Planning and Research Branch, Planning
Mr. Carl D. Schlaudt, Principal Planner, Advance Planning
and Research Branch, Planning Department
Ms. Linda N. Lewis, Administrative Secretary, Administrative
Branch, Planning Department
Ms. Deanna D. Harkabus, Secretary, Administrative
Branch, Planning Department
Mr. David W. Robinson, Assistant County Attorney,
County Attorney's Office
Ms. Lola M. Rodriguez, Assistant County Attorney,
County Attorney's Office
Mr. Allan M. Carmody, Budget Manager,
Budget and Management Department
Mr. R. John McCracken, Director,
Transportation Department
Mr. James R. Banks, Assistant Director,
Transportation Department
Mr. Stan B. Newcomb, Principal Engineer,
Transportation Department
Mr. Richard M. McElfish, Director,
Environmental Engineering Department
Ms. Joan Salvati, Water Quality Administrator,
Environmental Engineering Department
Mr. Randolph Phelps, Senior Engineer,
Utilities Department
Assistant Fire Marshal Steve Hall, Fire and Life Safety,
Fire Department
Captain Jim Fitch, Fire and Life Safety,
Fire Department
Ms. Cynthia Owens-Bailey, Director of Planning,
School Administration

WORK SESSION

At approximately 12:00 p. m., Messrs. Gecker, Litton, Stack and staff met in the Executive Session Meeting Room, Chesterfield County Administration Building for lunch and a work session to discuss the following:

- A. Requests to Postpone Action, Emergency Additions or Changes in the Order of Presentation.
- B. Review Day's Agenda.

(NOTE: At this time, any items listed for the 3:00 p. m. and 7:00 p. m. Sessions will be discussed.)

- C. Plans and Information Section Projects Update.
- D. Work Program – Review and Update.
- E. Action Relative to Proposed Code Amendments relating to Landscape Requirements.
- F. Discussion Relative to:
 - ◆ Residential Access Study.
 - ◆ Fire Emergency Access Policy.
 - ◆ Amendment to Subdivision/Zoning Ordinances to Legalize Existing Lots in Violation of the Subdivision Ordinance.

Mr. Jacobson noted Mr. Gulley would not be in attendance and Mr. Cunningham may be arriving later in the day.

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

Mr. Jacobson requested a new Item E., Discussion of Planning Department's Weekly Report, be added to the agenda so staff could explain recent modifications to the report.

On motion of Mr. Litton, seconded by Mr. Stack, the Commission amended the agenda to add a new Item E., Discussion of Planning Department's Weekly Report and reordered the remainder of the agenda accordingly.

AYES: Messrs. Gecker, Litton and Stack.

ABSENT: Messrs. Cunningham and Gulley.

B. REVIEW DAY'S AGENDA.

Mr. Hainley updated the Commission as to the status of, and staff's recommendation for, the request to be considered during the Afternoon Session.

Ms. Rogers updated the Commission as to the status of, and staff's recommendation for, the upcoming caseloads and the zoning requests to be considered during the Evening Session.

C. PLANS AND INFORMATION SECTION PROJECTS UPDATE.

Mr. Jacobson updated the Commission as to the status of recent budget actions by the Board of Supervisors relative to the Proposed FY03-04 Planning Department Major Projects, which included amendments to the Upper Swift Creek, Chester Village and Northern Area Plans and a Residential Ordinance Rewrite.

Mr. Bowling distributed a handout relative to, and updated the Commission as to the status of, the proposed amendments to the Matoaca Village Plan, noting that staff, at the May 20, 2003, Planning Commission meeting, would be requesting the Commission schedule time to review the proposed draft Plan.

Mr. Schanzenbacher updated the Commission as to the status of the Western Route 360 Corridor Plan, noting that a citizens meeting was scheduled in September 2003 and staff anticipated presenting the draft Plan to the Commission in the Fall 2003 (October) for a Work Session discussion.

D. WORK PROGRAM.

There was discussion relative to recent budget actions by the Board of Supervisors relating to approval of application fees for subdivision, zoning, site plan and other planning approvals; the status of the proposed Residential Access Study, the proposed Fire Emergency Access Policy, proposed Plaza Definitions and Standards, proposed Landscape Ordinances, Swift Creek Reservoir Phosphorus Data (Construction Runoff Pollution Project), proposed amendments to the Guidelines for Review of Substantial Accord Determination and/or Zoning Approval for Communications Tower Locations Policy; and consideration of scheduling of a Special Work Session in June 2003 to review the proposed draft Matoaca Village and Public Facilities Plans and Demographic Trends regarding Growth Projections.

Mr. Jacobson stated the Board of Supervisors had instructed staff to request the Planning Commission to schedule a public hearing on May 20, 2003, to consider a proposed Code Amendment relating to Board of Zoning Appeals application fees for zoning, special exception, variance and other planning approvals. He also noted staff anticipated future instruction from the Board of Supervisors requesting the Commission to evaluate those uses currently allowed by Special Exception and to make recommendations as to possible Ordinance Amendments that would require certain uses to obtain a Conditional Use versus a Special Exception.

On motion of Mr. Litton, seconded by Mr. Stack, the Commission set May 20, 2003, at 7:00 p. m., for a public hearing to consider a proposed Code Amendment relating to Board of Zoning Appeals application fees for zoning, special exception, variance and other planning approvals.

AYES: Messrs. Gecker, Litton and Stack.
ABSENT: Messrs. Cunningham and Gulley.

Upon conclusion of discussion relative to the Commission's Work Program, it was the consensus of the Commission to adopt their May 2003 Work Program, as outlined by Mr. Jacobson.

E. DISCUSSION RELATIVE TO PLANNING DEPARTMENT'S WEEKLY REPORT.

Ms. Rogers distributed copies of, and explained, recent modifications to the Planning Department's Weekly Report.

F. ACTION RELATIVE TO PROPOSED CODE AMENDMENTS RELATING TO LANDSCAPE REQUIREMENTS.

Mr. Allen addressed concerns raised by the Commission at their March 18, 2003, public hearing relative to four (4) amendments which included surety bonds, certification program, buffers in BMPs and ornamental versus utilitarian fencing.

Upon conclusion of discussion, it was the consensus of the Commission that, in view of Mr. Gulley's absence, they were not comfortable taking action at this time and preferred to defer consideration of the proposed Code Amendments relative to Landscape Requirements to the May 20, 2003, Planning Commission Work Session.

G. DISCUSSION RELATIVE TO:

◆ **RESIDENTIAL ACCESS STUDY.**

Mr. Hainley updated the Commission as to the status of the proposed Residential Access Study, noting that staff anticipated scheduling initial discussions at the May/June 2003 Planning Commission Work Session.

◆ **FIRE EMERGENCY ACCESS POLICY.**

Mr. Turner updated the Commission as to the status of the proposed Fire Emergency Access Policy and requested May 20, 2003, be set as a public hearing date to consider the Policy.

Acting Fire Marshal Jim Fitch presented an overview of the historical data and addressed concerns relative to the requirement for emergency access requirements.

On motion of Mr. Litton, seconded by Mr. Stack, the Commission set the date of June 17, 2003, at 7:00 p. m. for a public hearing to consider the Fire Emergency Access Policy.

AYES: Messrs. Gecker, Litton and Stack.

ABSENT: Messrs. Cunningham and Gulley.

◆ **AMENDMENT TO SUBDIVISION/ZONING ORDINANCES TO LEGALIZE EXISTING LOTS IN VIOLATION OF THE SUBDIVISION ORDINANCE.**

Mr. Hainley presented an overview of the proposed Code Amendment relative to the Subdivision/Zoning Ordinances to legalize existing lots in violation of the Subdivision Ordinance.

Upon conclusion of the discussion, it was on motion of Mr. Litton, seconded by Mr. Stack, that the Commission resolved to set the date of May 20, 2003, at 7:00 p. m., for a public hearing to consider a Code Amendment relating to Subdivision Definitions, Building Permit Restrictions and Relief From Legal Remedies for Violations.

AYES: Messrs. Gecker, Litton and Stack.

ABSENT: Messrs. Cunningham and Gulley.

There being no further business to come before the Commission, the Work Session was adjourned at 2:21 p.m.

The Commission agreed to reconvene at 3:00 p. m. in the Public Meeting Room for the Development Plan Review Notice Session.

3:00 P. M. AFTERNOON SESSION

Mr. Gecker, Chairman, called the Afternoon Session to order at approximately 3:00 p. m. in the Public Meeting Room of the Chesterfield County Administration Building.

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

B. APPROVAL OF PLANNING COMMISSION MINUTES.

◆ **MARCH 18, 2003.**

Mr. Jacobson stated that the first order of business would be the consideration of the March 18, 2003, Planning Commission minutes.

On motion of Mr. Litton, seconded by Mr. Stack, the Commission resolved to approve the March 18, 2003, Planning Commission minutes, as written.

AYES: Messrs. Gecker, Litton and Stack.

ABSENT: Messrs. Cunningham and Gulley.

Mr. Cunningham joined the meeting at approximately 3:01 p. m.

C. CONSIDERATION OF THE FOLLOWING REQUEST:

◆ **WITHDRAWAL.**

97TS0355: (Amended) In Clover Hill Magisterial District, **H. W. OWENS** withdrew consideration of Planning Commission approval for an addition to the current subdivision known as Old Hundred Mill. The fully developed subdivision will have a maximum of 241 lots and will be accessed by new streets connecting to Millview Drive. This development is commonly known as **OLD HUNDRED MILL SUBDIVISION**. This request lies in Residential (R-12) and Light Industrial (I-1) Districts on two (2) parcels lying east of South Old Hundred Road, north of Millview Drive. Tax IDs 732-684-7381 and 733-686-0961 (Sheet 10).

Mr. Todd Chalmers, the applicant's representative, confirmed withdrawal of the request.

There was no opposition to the withdrawal.

On motion of Mr. Stack, seconded by Mr. Litton, the Commission acknowledged withdrawal of Case 97TS0355, H. W. Owens (Old Hundred Mill Subdivision).

AYES: Messrs. Gecker, Litton, Cunningham and Stack.

ABSENT: Mr. Gulley.

D. FIELD TRIP AND DINNER.

◆ **FIELD TRIP SITE SELECTION:**

The Commission agreed to forego their Field Trip.

◆ **DINNER LOCATION:**

On motion of Mr. Litton, seconded by Mr. Stack, the Commission resolved to meet for dinner at John Howlett's Tavern at 5:00 p. m.

AYES: Messrs. Gecker, Litton, Cunningham and Stack.
ABSENT: Mr. Gulley.

E. ADJOURNMENT.

There being no further business to come before the Commission, the meeting was adjourned at approximately 3:02 p. m.

At approximately 5:00 p. m., Messrs. Litton, Cunningham, Stack and staff met at John Howlett's Tavern for dinner; however, the facility was closed and the Commission, on motion of Mr. Litton, seconded by Mr. Stack, changed their dinner location to the El Paso Mexican Restaurant in Chesterfield Meadows Shopping Center.

AYES: Messrs. Litton, Cunningham and Stack.
ABSENT: Messrs. Gecker and Gulley.

At approximately 5:20 p. m., Messrs. Gecker, Litton, Cunningham, Stack and staff met at the El Paso Mexican Restaurant in Chesterfield Meadows Shopping Center for dinner.

7:00 P. M. EVENING SESSION

At approximately 7:00 p. m., Mr. Gecker, Chairman, called the Evening Session to order.

A. INVOCATION.

Mr. Litton presented the invocation.

B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA.

Mr. Robert Clay led the Pledge of Allegiance to the Flag.

C. REVIEW MEETING PROCEDURES.

Mr. Jacobson apprised the Commission of the agenda for the next two (2) months. He stated that the May 20, 2003, agenda was comprised of nine (9) cases and the June 17, 2003, agenda had a total of fifteen (15) cases, noting that a Special Work Session date (to be determined) may be scheduled in June 2003.

D. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

E. CONSIDERATION OF THE FOLLOWING REQUESTS:

◆ REQUESTS FOR DEFERRAL BY INDIVIDUAL COMMISSIONERS.

03SN0214: In Matoaca Magisterial District, **JAMES M. BLALOCK** requested amendment to Conditional Use Planned Development (Case 95SN0307) and amendment of zoning district map relative to uses, hours of operation, gross floor area and parking setbacks for property known as Tract 6. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies in a Residential (R-9) District on 6.5 acres lying approximately 1,340 feet off the north line of Genito Road, measured from the intersection of Genito and Woolridge Roads. Tax ID 719-687-Part of 2732 (Sheet 9).

No one came forward to represent the request.

Mr. Stack stated he wished to defer the request, on his motion, to the May 20, 2003, Planning Commission public hearing so a meeting could be scheduled to clarify misinformation that had been disseminated.

Mr. Ray Kniphuisen, an area resident, voiced support for the deferral.

There was no opposition to the deferral.

The following motion was made at Mr. Stack's request.

On motion of Mr. Stack, seconded by Mr. Cunningham, the Commission, on their own motion, resolved to defer Case 03SN0214 to the May 20, 2003, Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Cunningham and Stack.

ABSENT: Mr. Gulley.

03SN0221: In Bermuda Magisterial District, **JEFFREY D. AND JULIA BOWMAN** requested rezoning and amendment of zoning district map from Residential (R-7) to Neighborhood Business (C-2). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for neighborhood commercial use. This request lies on 1.3 acres fronting approximately 165 feet on the south line of Old Hundred Road, 290 feet on the east line of Harrowgate Road and 210 feet on the west line of Percival Street and is located at the intersection of these roads. Tax IDs 789-654-1548 and 2755 (Sheet 26).

Mr. Dean Hawkins, the applicant's representative, stated Mr. Cunningham's deferral of the request was acceptable.

There was no opposition to the deferral.

The following motion was made at Mr. Cunningham's request.

On motion of Mr. Cunningham, seconded by Mr. Stack, the Commission, on their own motion, resolved to defer Case 03SN0221 to the May 20, 2003, Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Cunningham and Stack.
ABSENT: Mr. Gulley.

03SN0224: In Bermuda Magisterial District, **ABILENE MOTOR EXPRESS** requested rezoning and amendment of zoning district map from Residential (R-7) to General Business (C-5). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community commercial and light industrial use. This request lies on 4.6 acres fronting approximately 360 feet on the north line of Willis Road and approximately 290 feet on the east line of Germont Avenue and located in the northeast quadrant of the intersections of these roads. Tax IDs 796-671-9098, 796-672-9113 and Part of 9454 and 797-672-0506 and 0743 (Sheet 18).

Mr. Dean Hawkins, the applicant's representative, stated Mr. Cunningham's deferral of the request was acceptable.

Mr. Dwayne Freedlane, an area resident, stated he had no opposition to the deferral; however, he wished to express his displeasure at not receiving any information pertinent to the case prior to the meeting or being contacted by the applicant to discuss his concerns.

In response to Mr. Cunningham's comments, Mr. Hawkins stated he would arrange to meet with Mr. Freedlane to address/discuss his concerns.

The following motion was made at Mr. Cunningham's request.

On motion of Mr. Cunningham, seconded by Mr. Stack, the Commission, on their own motion, resolved to defer Case 03SN0224 to the May 20, 2003, Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Cunningham and Stack.
ABSENT: Mr. Gulley.

◆ **REQUESTS WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION PRESENT.**

03SN0205: In Matoaca Magisterial District, **DOGWOOD PARTNERSHIP** requested rezoning and amendment of zoning district map from Community Business (C-3) to Residential Townhouse (R-TH) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to eight (8) units per acre is permitted in a Residential Townhouse (R-TH) District. The Comprehensive Plan suggests the property is appropriate for mixed use corridor use. This request lies on 30.4 acres fronting approximately 110 feet on the north line of Hull Street Road, approximately 475 feet east of Cosby Road. Tax IDs 717-671-Part of 3939, Part of 7131, 8690 and 9347; 718-671-Part of 1133; and 718-672-4401 (Sheet 15).

Ms. Heather Barber, the applicant's representative, accepted staff's recommendation, including the Addendums.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Stack, seconded by Mr. Cunningham, the Commission resolved to recommend approval of Case 03SN0205, subject to the following condition and acceptance of the following proffered conditions:

CONDITION

The Textual Statement revised March 10, 2003, shall be considered the Master Plan. (P)

PROFFERED CONDITIONS

1. The architectural treatment of all buildings, including materials and style, shall be compatible to the elevations which are attached to the Request Analysis and labeled as Exhibit A. (P)
2. The ultimate design of the development shall generally conform with the Conceptual Plan prepared by Barthol Design Associates, P.C., dated March 5, 2003, titled "The Villas at Dogwood." The location of driveways, parking areas, roads and buildings need not be exactly as shown on the Conceptual Plan; however, the concepts of the Plan shall be generally adhered to such as minimizing the number of units and garages fronting the private drives and public streets and the orientation of dwelling units to one another, to open spaces, and to rights of way. (P)
3. Any above ground facilities required for water quantity or quality control shall be designed as wet ponds and landscaped or otherwise improved so that the facilities become visual enhancements to, and amenities for, uses developed on the property. At the time of site or subdivision plan review, a plan depicting these requirements shall be submitted for review and approval. (P & EE)
4. Except as otherwise prohibited by the Virginia Fair Housing Law, the Federal Housing Law, and such other applicable federal, state, or local legal requirements, the occupancy of dwelling units shall be restricted to "housing for older persons" as defined in the Virginia Fair Housing Law and shall have no persons under 19 years of age domiciled therein. (B&M)
5. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of building permit for infrastructure improvements within the service district for the property:
 - a. \$3,672.00 per dwelling unit, if paid prior to July 1, 2003. At the time of payment, the \$3,672.00 shall be allocated pro-rata among the facility costs as calculated annually by the County Budget Department as follows: \$750.00 for parks, \$306.00 for library facilities, \$295.00 for fire stations, \$2,321.00 for roads; or
 - b. The amount approved by the Board of Supervisors not to exceed \$3,672.00 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost

Index between July 1, 2002, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2003. The payment shall be allocated pro-rata as set forth above.

- c. In the event the cash payment is not used for the purpose for which proffered within 15 years of receipt, the cash shall be returned in full to the payor. (B&M)
6. The public water and wastewater system shall be used. (U)
7. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved device has been installed. (EE)
8. The developer shall analyze the two outfalls to include the recorded 100-year floodplain and the adequacy of the culverts under Village Square Parkway. If the recorded floodplain would be affected or the existing culverts do not meet VDOT criteria, the developer must retain/detain water onsite to ensure that the culverts or floodplain are not impacted. (EE)
9. Direct access to Route 360 shall be limited to one (1) public road. The exact location of this access shall be approved by the Transportation Department. Prior to recordation of the initial subdivision plat, a public right-of-way and/or access easements, acceptable to the Transportation Department, shall be recorded across the property to ensure shared use of this access with adjacent properties. (T)
10. In conjunction with the initial development, additional pavement shall be constructed along Route 360 at the approved access to provide a right turn lane. The developer shall dedicate to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for these road improvements. (T)
11. A minimum of 0.75 acres shall be provided in an area lying at the northern terminus of the entrance road, adjacent to, and including the clubhouse area, as depicted on the Conceptual Plan, to provide a focal point as one enters the project. Part of the area shall be hardscaped and have benches and other amenities that accommodate and facilitate gatherings. The exact design and location shall be approved by the Planning Department at the time of subdivision review. The clubhouse shall have a minimum size of 2000 gross square feet and shall be architecturally compatible with the residential development. Compatibility may be achieved through the use of similar building massing, materials, scale or other architectural features. The clubhouse, together with related focal point amenities, shall be developed concurrent with the first phase of development. (P)
12. Sidewalks shall be provided along both sides of roads and drives that accommodate general traffic circulation through the developments as generally shown on the Conceptual Plan. Sidewalks shall also be provided to the recreational uses within the project and to the adjacent commercially zoned properties. The exact design, treatment and location of the sidewalk shall be approved by the Planning Department at the time of tentative subdivision plan review and site plan review. (P)

13. Street trees shall be installed along both sides of any roads and drives which accommodate general traffic circulation through the development. (P)
14. Landscaping shall be provided around the perimeter of all buildings, between buildings and driveways, within medians, and within common areas not occupied by recreational facilities or other structures. Landscaping shall comply with the requirements of the Zoning Ordinance Sections 19-516 through 19-518(f). Landscaping shall be designed to: minimize the predominance of building mass and paved areas, define private spaces, and enhance the residential character of the development. The Planning Department, at the time of tentative subdivision or site plan review, shall approve a conceptual landscaping plan. Final landscaping design showing the exact numbers, size, spacing, arrangement and species of plantings shall be approved by the Planning Department prior to the release of a building permit for any dwelling unit. (P)
15. A maximum of one hundred and one (101) lots shall be developed on the property. (P)
16. Landscaped Setbacks.
 - a. Thirty (30) foot and fifty (50) foot landscaped setbacks shall be provided, as shown on the conceptual plan. Except as specified herein, the landscaped setbacks shall consist of a landscaped berm and landscaping. Landscaping shall meet one and one-half times "Landscape C", as defined in the Zoning Ordinance.
 - b. A 100 foot building and parking setback shall be maintained along the northern property boundary adjacent to Manor Gate subdivision. Pedestrian paths and other passive recreational uses and underground utilities shall be permitted with the 100 foot setback area, provided, however, that such utilities shall be located so as not to run generally parallel through the northern seventy-five (75) feet of the 100 foot setback area. The northern seventy-five (75) feet of the 100 foot setback shall be maintained as a buffer and shall comply with Sections 19-520, 19-0521(a) through (h) and 19-522. (P)
17. Dwelling units shall not exceed a height of two (2) stories or thirty (30) feet, whichever is less. (P)

AYES: Messrs. Gecker, Litton, Cunningham and Stack.
ABSENT Mr. Gulley.

03SN0216: In Matoaca Magisterial District, **METRO RICHMOND ZOO INC.** requested Conditional Use and amendment of zoning district map to permit indoor/outdoor recreational facilities for a public zoo. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for rural conservation use. This request lies in an Agricultural (A) District on 14.7 acres lying approximately 1,200 feet off the west line of Beaver Bridge Road, measured from a point approximately 550 feet off the south line of Hull Street Road. Tax ID 695-662-7843 (Sheet 22).

Mr. Jim Andelin, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Stack, seconded by Mr. Cunningham, the Commission resolved to recommend approval of Case 03SN0216, subject to the following conditions:

CONDITIONS

1. Sufficient parking shall be provided to accommodate the demands of the use. If it is determined that insufficient parking exists to meet the use demands, additional parking shall be provided, as deemed necessary by the Planning Department. (P)
2. Prior to any improvements to include but not necessarily limited to parking, fencing, buildings or clearing, the owner/developer shall submit a security plan to the Planning Commission for approval. (P)

AYES: Messrs. Gecker, Litton, Cunningham and Stack.

ABSENT Mr. Gulley.

03SN0235: In Midlothian Magisterial District, **WARREN REDFERN** requested amendment to Conditional Use (Case 95SN0186) relative to architectural treatment and Conditional Use Planned Development to permit exceptions to Ordinance requirements in a Residential Townhouse (R-TH) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for planned transition area use. This request lies on 7.7 acres fronting approximately 1,075 feet on the north line of Farnham Drive, approximately 220 feet west of Summerfield Drive. Tax IDs 736-706-8879 and Part of 9798 and 736-707-9723 (Sheet 6).

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gecker, seconded by Mr. Cunningham, the Commission resolved to recommend approval of Case 03SN0235, subject to the following condition and acceptance of the following proffered conditions:

CONDITION

The Textual Statement revised March 20, 2003, shall be considered the Master Plan. (P)

PROFFERED CONDITIONS

1. Conceptual Plan. The ultimate design of the development shall generally conform with the plan prepared by Balzer & Associates, Inc., entitled "Conceptual Plan" and dated 3-21-03. (P)
2. Architectural Treatment. The architectural treatment of all dwellings, including materials and style, shall be compatible to the elevations attached hereto and labeled as Exhibit A. (P)

(Staff Note: This condition supersedes Condition 20 of Case 95SN0186.)

3. Sidewalks. Sidewalks shall be provided on one side of all roads. The exact design, location and treatment shall be approved at the time of subdivision plan review. (P)
4. Driveways. Individual driveways shall be “hardscaped”. The exact design and treatment shall be approved at the time of subdivision plan review. (P)
5. Street Trees. Street trees shall be installed. (P)
6. Landscaping. Landscaping shall be provided around the perimeter of all buildings, between buildings and driveways, within medians, and within common areas not occupied by recreational facilities or other structures. Landscaping shall comply with the requirements of the Zoning Ordinance Sections 19-516 through 19-518(f). Landscaping shall be designed to minimize the predominance of building mass and paved areas; define private spaces; and enhance the residential character of the development. The Planning Department, at the time of subdivision plan review, shall approve the landscaping plan with respect to the exact numbers, spacing, arrangement and species of plantings. (P)
7. Focal Point. A minimum of 0.3 acres of open space/recreation area, exclusive of buffers, shall be provided on the property in an area depicted on the Conceptual Plan. In addition, a minimum of 0.07 acres of area shall be provided as a “focal point” as one enters the project. Part of the focal point shall be “hardscaped” and have benches and other amenities that accommodate and facilitate gatherings. The focal point shall be developed concurrent with the first phase of residential development. The exact design and location shall be approved by the Planning Department at the time of tentative subdivision plan review. (P)
8. Buffers. Buffers required by Section 17-70 of the Subdivision Ordinance along roads shall be located within recorded open space. (P)
9. Open Space. Pedestrian access(es) shall be provided from within the development to open space areas. The exact location of such access(es) shall be approved by the Planning Department at the time of tentative subdivision plan review. (P)
10. Public Streets. All roads which accommodate general traffic circulation through the development, as determined by the Transportation Department, shall be designed and constructed to state standards and taken into the state system. This condition may be modified by the Transportation Department if it is determined that the roads or any part of such roads cannot be designed for state acceptance. For any roads which accommodate general traffic circulation through the development that are not to be a part of the state system, a plan that insures the continual maintenance of the private streets shall be submitted to, and approved by, the Transportation Department. (T)

(Staff Note: With the exception of Condition 20 of Case 95SN0186, all previous conditions of Case 95SN0186 shall remain in effect for the subject property.)

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.
ABSENT Mr. Gulley.

03SN0239: In Dale Magisterial District, **SHERRY C. GILLIAM AND MICHAEL B. CHANEY** requested rezoning and amendment of zoning district map from Agricultural (A) to Corporate Office (O-2). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor use. This request lies on 10.0 acres fronting approximately 600 feet on the east line of Iron Bridge Road, approximately 1,100 feet north of Whitepine Road. Tax IDs 771-671-7811, 7821, 7831 and 7901 (Sheet 17).

Mr. Michael Chaney, one of the applicants, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Litton, seconded by Mr. Cunningham, the Commission resolved to recommend approval of Case 03SN0239 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. The following uses shall not be permitted:
 - a. Churches and/or Sunday schools;
 - b. Convalescent homes, nursing homes, and rest homes;
 - c. Group care facilities;
 - d. Nursery schools and child or adult care centers;
 - e. Funeral homes or mortuaries;
 - f. Schools/colleges, public and private;
 - g. Schools, business; and,
 - h. Hospitals. (P)
2. Prior to site plan approval, one hundred (100) feet of right-of-way on the east side of Iron Bridge Road (Route 10) measured from the centerline of that part of Route 10 immediately adjacent to the property shall be dedicated, free and unrestricted to Chesterfield County. (T)
3. Direct access from the property to Route 10 shall be limited to one (1) entrance/exit, and this access shall align with the existing crossover on Route 10. Prior to final site plan approval, an access easement, acceptable to the Transportation Department shall be recorded across the property to ensure shared use of this access with the adjacent property to the north and south. (T)
4. Prior to issuance of a final occupancy permit(s) for any cumulative development on the property that would generate a significant increase in traffic above the volume of traffic that is generated by a 1,700 square foot day care facility as determined by the Transportation Department, an additional lane of pavement (ie, Third northbound lane) shall be constructed along Route 10 for the entire property frontage. The developer shall dedicate to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for this

improvement. (T)

AYES: Messrs. Gecker, Litton, Cunningham and Stack.
ABSENT Mr. Gulley.

03SN0244: In Midlothian Magisterial District, **EWN DEVELOPMENT CO. INC.** requested rezoning and amendment of zoning district map from Agricultural (A) and Community Business (C-3) to Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for office and light industrial uses. This request lies on 2.5 acres and is known as 840 and 900 Branchway Road. Tax IDs 741-707-3393 and 741-708-3003 (Sheet 6).

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gecker, seconded by Mr. Stack, the Commission resolved to recommend approval of Case 03SN0244 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. The public wastewater system shall be used. (U)
2. No direct access shall be provided from the property to Courthouse Road. (T)
3. Direct access from the property to the public road located south of the property ("Busy Street Extended") shall be limited to one (1) entrance/exit. This access shall be generally located midway of the property frontage. The exact location of this access shall be approved by the Transportation Department. (T)
4. To provide an adequate roadway system, the developer shall be responsible for the following:
 - A. Construction of an additional lane of pavement along Busy Street Extended for the entire property frontage;
 - B. Dedication to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for the improvements identified above. (T)
5. Prior to any site plan approval, a phasing plan for the required road improvements, as identified in proffered condition 4, shall be submitted to and approved by the Transportation Department. (T)
6. With the exception of timbering to remove dead or diseased trees, which as been approved by the Virginia State Department of Forestry, there shall be no timbering until a land disturbance permit has been obtained from the Environmental Engineering Department. (EE)
7. Architectural treatment of buildings, including materials, color and style, shall be compatible with buildings located within the development of Tax IDs 741-708-0335 and 2854.

Compatibility may be achieved through the use of similar building massing, materials, scale color or other architectural features. (P)

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.
ABSENT Mr. Gulley.

03SN0174: In Bermuda Magisterial District, **HARRISON BURT** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-15). Residential use of up to 2.9 units per acre is permitted in a Residential (R-15) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1.5 units per acre or less. This request lies on 44.6 acres fronting approximately 850 feet on the west line of Ramblewood Drive, approximately 1,500 feet north of Enon Church Road. Tax ID 812-645-6725 (Sheet 35).

Mr. Harrison Burt, the applicant, accepted staff's recommendation, including the Addendum.

Mr. Christopher Milton, representing the Walthall Mill Core Group, stated he did not oppose the request but expressed concerns relative to environmental and traffic impacts generated by the proposed development.

Mr. Cunningham indicated that concerns relating to erosion on steep slopes would be addressed during the tentative subdivision approval process. He noted further that access was an issue; that he preferred access through the adjacent property to the east, which would accommodate vehicle movements northward along Walthall Drive; and that the applicant and adjacent property owner, through which such an access could be accommodated, hoped to reach agreement prior to the Board of Supervisors' consideration of the request.

No one else came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Cunningham, seconded by Mr. Stack, the Commission resolved to recommend approval of Case 03SN0174 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. There shall be no direct access from the property to Rambelwood Drive. (EE, T)
2. In conjunction with recordation of the initial subdivision plat, forty-five (45) feet of right-of-way on the west side of Ramblewood Drive, measured from the centerline of that part of Ramblewood Drive immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
3. With the exception of timbering which has been approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
4. The public water system shall be used. (U)

5. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of building permit for infrastructure improvements within the service district for the property:
 - A. \$9,000.00 per dwelling unit, if paid prior to July 1, 2003; or
 - B. The amount approved by the Board of Supervisors not to exceed \$9,000.00 per dwelling unit adjusted upward by any increase in the Marshall and Swift building cost index between July 1, 2002, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2003.
 - C. In the event the cash payment is not used for which proffered within 15 years of receipt, the cash shall be returned in full to the payor. (B&M)
6. A maximum of thirty (30) residential lots shall be permitted. (P)
7. All lots shall have a minimum area of 30,000 square feet. (P)
8. All dwelling units shall have a minimum gross floor area of 1,800 square feet. (BI)
9. All exposed portions of the foundation of each dwelling unit shall be covered with brick or stone veneer or exterior insulating and finishing systems (EIFS) materials. (BI)
10. A twenty-five (25) foot tree preservation strip, exclusive of required yards, shall be maintained along the western property line adjacent to Tax IDs 811-645-7334, 7348, 7371, 7459 and 7815. Utility easements which run generally perpendicular through this strip shall be permitted. Any healthy trees that are six (6) inches in caliper or greater shall be retained within this tree preservation strip except where removal is necessary to accommodate the improvements permitted by the preceding sentence. This condition shall not preclude the removal of vegetation from the tree preservation strip that is unhealthy, dying or diseased. (P)
11. A twenty-five (25) foot tree preservation strip, exclusive of required yards, shall be maintained along the southern property line adjacent to Tax ID 813-644-5654. Utility easements which run generally perpendicular through this strip and septic drainfield lines shall be permitted. Any healthy trees that are six (6) inches in caliper or greater shall be retained within this tree preservation strip except where removal is necessary to accommodate the improvements permitted by the preceding sentence. This condition shall not preclude the removal of vegetation from the tree preservation strip that is unhealthy, dying or diseased. (P)

AYES: Messrs. Gecker, Litton, Cunningham and Stack.
 ABSENT Mr. Gulley.

◆ **REQUESTS WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION PRESENT.**

03SN0202: In Midlothian Magisterial District, **M-3 INVESTORS LLC** requested Conditional Use and amendment of zoning district map to permit Multifamily Residential (R-MF) uses within a Community Business

(C-3) District, plus proffered conditions on a 4.2 acre Residential (R-7) Tract. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general commercial and medium density residential use of 1.51 to 4.0 units per acre.

This request lies on 17.6 acres fronting approximately 600 feet on the north line of Midlothian Turnpike west of, and adjacent to, Powhite Parkway, also fronting approximately 400 feet on the east line of North Pinetta Drive approximately 340 feet north of Midlothian Turnpike. Tax IDs 754-706-3006 and 4831 (Sheets 6 and 7).

Ms. Rogers presented an overview of the request and staff's recommendation for approval and acceptance of proffered conditions noted in the "Request Analysis" and Proffered Condition III.A.1., as amended, as outlined in the Addendum. She further noted staff did not support, and did not recommend acceptance of, revised Proffered Condition III.A.3.c.ix., as outlined in the Addendum, reducing the transportation portion of the cash proffer below \$3,547.00 as it applied to multi-family buildings containing 100 or fewer units.

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation with the exception of the transportation requirement, noting the proposed commercial development would not generate as much traffic as a typical residential development; that his client felt the project would meet the economic needs of the property and area residents; and that revised Proffered Condition III.A.3.c.ix., as reflected in the Addendum, met the spirit and intent of the Cash Proffer Policy.

No one came forward to speak in favor of, or in opposition to, the request.

In response to a question from Mr. Gecker, Mr. Litton stated he was comfortable with the request and felt it was fair.

Mr. Gecker stated he felt revised Proffered Condition III.A.3.c.ix. in the Addendum more adequately addressed the impact of the development on transportation than the condition in the "Request Analysis;" that he was delighted to have resolution to the land use issue; and he appreciated the efforts of all those involved.

On motion of Mr. Gecker, seconded by Mr. Stack, the Commission resolved to recommend approval of Case 03SN0202 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

- I. Zoning Plan. Tracts shall be located as generally depicted on the Zoning Plan, dated 3-21-03 and prepared by Balzer & Associates, Inc., but the location and size of Tracts B and C may be modified provided the tracts generally maintain their relationship with each other, with Tract A, and any adjacent properties. A plan for any such Tract adjustment shall be submitted to the Planning Department for review and approval. Such plan shall be subject to appeal in accordance with provisions of the Zoning Ordinance for Site Plan appeals. (P)
- II. Tract A
 - A. Uses. The acreage of Tract A shall be included solely for the purpose of 1) calculating density for the residential multi-family development on Tracts B and C provided such multifamily development is contiguous to Tract A, as determined, by the Planning Department, and 2) any associated focal point acreage referenced in Proffered Condition III.A.3.iv. (P)

- B. Buffer: The 100 foot buffer required by Case 74-26 shall comply with the requirements of the Zoning Ordinance for 100 foot buffers.

(Note: This condition is in addition to the Condition of Case 74-26.) (P)

III. Tract B

- A. Uses. Uses in Tract B shall be limited to the following:

1. Nursing, convalescent, rest homes and group care facilities. Unless located within 400 feet of the ultimate right of way of Midlothian Turnpike, such buildings shall be located generally parallel to Tract A with parking areas to be located south of the buildings. Furthermore, alternate locations for these buildings shall be permitted if the overall campus site design provides for other buildings for other permitted uses to be located generally parallel to Tract A with the parking areas to be located generally south of the buildings. (P)
2. Corporate Office (O-2) uses permitted by right or with restrictions with the exception of schools-commercial, trade, music, dance, vocational, training, hospitals and warehouses, provided such uses are located within 400 feet of the ultimate right of way of Midlothian Turnpike. (P)
3. Residential multi-family uses. Such uses shall comply with the requirements of the Zoning Ordinance for Residential Multi-Family (R-MF) Districts except as follows:
 - a. Four (4) or less attached units:
 - i. Setbacks from roads and property lines. All structures shall be set back a minimum of eight (8) feet from interior private driveways providing access exclusively to parking areas and fifteen (15) feet from all other driveways. There shall be no required setback for structures from any parking space. (P)
 - ii. Distance between buildings. The minimum distance between buildings shall be fifteen (15) feet. (P)
 - iii. Driveways and Parking Areas. All roads, driveways and parking areas shall have concrete curbs and gutters except those driveways that provide access exclusively to parking areas serving individual lots. (P)

- iv. Focal Point. A minimum of 0.75 acres of open space/recreation area shall be provided on the Property (may include areas in Tracts A, B and C) to provide a “focal point” as one enters the project. Part of the area shall be “hardscaped” and have benches and other amenities that accommodate and facilitate gatherings. A portion of the focal point may include areas devoted to water facilities. The focal point shall be developed concurrent with the first phase of residential development that the focal point is intended to serve. The exact design and location shall be approved by the Planning Department at the time of site plan review. (P)
 - v. Sidewalks. Sidewalks shall be provided on the side of any road that has units fronting on the road. (P)
 - vi. Individual Lot Driveways and Parking Areas. Individual driveways and parking areas shall be “hardscaped”. The exact design and treatment shall be approved at the time of site plan review. (P)
 - vii. Garage Doors. The number of units with garage doors fronting streets shall be limited or designed so as to minimize the visual impact of garage doors facing the streets. At the time of site plan review, plans depicting these requirements shall be submitted for review and approval. (P)
 - viii. Noise Setback. A setback distance of two hundred (200) feet, exclusive of required yards shall be provided from the Powhite Parkway right of way, unless a noise study demonstrates that a lesser distance is acceptable as approved by the director of transportation. Natural vegetation shall be retained within the setback area unless removal is required to install noise attenuation measures or is approved by the Planning Commission. (T)
- b. More than four (4) attached units:
- i. Site Design. The multi-family development shall be restricted to a maximum of two (2) buildings to be located generally parallel to Tract A with parking areas to be located south of the buildings. Furthermore, alternate locations for the multi-family building(s) shall be permitted if the overall campus site design provides for other buildings for other permitted uses to be located generally parallel to Tract A with the parking areas to be located generally south of the

buildings. This would not preclude fire access as required by the Fire Department to the north of the buildings. Should such building(s) be located within 400 feet of the ultimate right of way of Midlothian Turnpike, this building/parking orientation requirement shall not apply. (P)

- ii. Dwelling units. There shall be no limit to the number of dwelling units permitted on one floor level of a building. (P)
- c. All units:
 - i. Parcel(s) area and density. The minimum contiguous development size shall be ten (10) acres. Density shall not exceed thirty-three (33) dwelling units per gross acre with a maximum density of 330 units. (P)
 - ii. Conceptual Plan. Residential units shall be grouped together by type (four (4) or less attached or more than four (4) attached). If there is a desire to mix the types of residential uses within a Tract, the mixing may be permitted in a Conceptual Plan is submitted for review and approval by either the Planning Department or the Planning Commission. The Conceptual Plan shall address the land use transitions and compatibility between the different uses within a Tract. Land use compatibility and transitions may include, but not necessarily be limited to, the exact location of the uses, buffers and site design. Review of the Conceptual Plan shall be subject to appeal in accordance with the provisions of the Zoning Ordinance for Site Plan appeals. (P)
 - iii. Emergency Access. In lieu of a second public access, an emergency access shall be provided from Midlothian Turnpike to the site prior to occupancy of more than fifty (50) units. The location of this emergency access shall be reviewed and approved by the Transportation and Fire Departments. The design and maintenance of this emergency access shall be reviewed and approved by the Fire Department in conjunction with site plan approval. (F & T)
 - iv. Recreation area required. Required recreation shall be provided in the form of passive recreation consisting of walking trails throughout the development. (P)
 - v. Age restriction. Except as otherwise prohibited by the Virginia Fair Housing Law, the Federal Housing Law, and

such other applicable federal, state, or local legal requirements, dwelling units shall be restricted to "housing for older persons" as defined in the Virginia Fair Housing Law and shall have no persons under 19 years of age domiciled therein ("Age-Restricted Dwelling Units"). (B&M)

- vi. Street Trees. Street trees shall be installed along each side of the interior roads and common driveways to include entrance roads from public roads into the development in accordance with the requirements of the Zoning Ordinance for Subdivisions. (P)
- vii. Landscaping. Landscaping shall be provided around the perimeter of all buildings, between buildings and driveways, within medians, and within common areas not occupied by recreational facilities or other structures. Landscaping shall comply with the requirements of the Zoning Ordinance Sections 19-516 through 19-518(f). Landscaping shall be designed to minimize the predominance of building mass and paved areas; define private spaces; and enhance the residential character of the development. The Planning Department, at the time of site plan review, shall approve the landscaping plan with respect to the exact numbers, spacing, arrangement and species of plantings. (P)
- viii. Lighting. Light poles shall have a maximum height of twenty (20) feet. (P)
- ix. Impacts on Capital Facilities.
 - 1. Prior to the issuance of building permit(s), the applicant, subdivider, or assignee(s) shall pay the following, for infrastructure improvements within the service district for the property, to the county of Chesterfield for any dwelling unit:
 - a. \$2,168.00 per dwelling unit, if paid prior to July 1, 2003. At the time of payment, the \$2,168.00, will be allocated pro-rata among the facility costs as follows: \$598.00 for parks and recreation, \$324.00 for library facilities, \$900.00 for roads, and \$346.00 for fire stations; or
 - b. The amount approved by the Board of Supervisors not to exceed \$2,168.00 per dwelling unit adjusted upward by any

increase in the Marshall and Swift building cost index between July 1, 2002, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2003.

- c. In the event the cash payment is not used for which proffered within 15 years of receipt, the cash shall be returned in full to the payor. (B&M)

- 2. Prior to the issuance of building permit(s), the applicant, subdivider, or assignee(s) shall pay the following, for infrastructure improvements within the service district for the property, to the county of Chesterfield for any dwelling unit that is located in a building that contains more than 100 dwelling units:

- a. \$1,268.00 per dwelling unit, if paid prior to July 1, 2003. At the time of payment, the \$1,268.00, will be allocated pro-rata among the facility costs as follows: \$598.00 for parks and recreation, \$324.00 for library facilities, and \$346.00 for fire stations; or
- b. The amount approved by the Board of Supervisors not to exceed \$1,268. 00 per dwelling unit adjusted upward by any increase in the Marshall and Swift building cost index between July 1, 2002, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2003.
- c. In the event the cash payment is not used for which proffered within 15 years of receipt, the cash shall be returned in full to the payor. (B&M)

IV. Tract C

- A. Uses. Uses in Tract C shall be limited to the following:

- 1. Those uses permitted by right or with restrictions in the Corporate Office (O-2) District with the exception of schools-commercial, trade, music, dance, vocational, training; hospitals and warehouses. (P)

2. Residential multi-family uses, subject to the requirements identified for Tract B. (P)

V. All Tracts:

- A. Utilities. Public wastewater shall be used. (U)
- B. Timbering. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
- C. Drainage. Stormwater shall be retained onsite and released so that the culvert under Brucewood Drive meets VDOT criteria for passing a 10-year storm. The Department of Environmental Engineering shall approve the design of such systems at time of site plan review. (EE)
- D. BMP Designed as Amenity. Any above-ground facilities required for water quantity or quality control shall be landscaped or otherwise improved so that the facilities become visual enhancements to, and amenities for, uses developed on the property. At the time of site plan review, a plan depicting these requirements shall be submitted for review and approval. (P&EE)
- E. Access to Pinetta Drive. Direct access from the property to Pinetta Drive shall be limited to one (1) entrance/exit. The exact location of this access shall be approved by the Transportation Department. This condition shall not preclude the provision of an emergency access from Pinetta Drive, subject to the review and design requirements of Proffered Condition III.A.3.c.iii. (T&F)
- F. Access to Midlothian Turnpike. No direct access shall be provided from the property to Midlothian Turnpike, other than an emergency access as referenced in Proffered Condition III.A.3.c.iii. (T)
- G. Dedication. Prior to any site plan approval, thirty-five (35) feet of right-of-way on the east side of Pinetta Drive, measured from the centerline of that part of Pinetta Drive immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
- H. Road Improvements. To provide an adequate roadway system at the time of complete development, the owner/developer shall be responsible for the following:
 1. Construction of additional pavement along Pinetta Drive at the approved access to provide right and left turn lanes, if warranted, based on Transportation Department standards; and
 2. Dedication to and for the benefit of Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for the

improvements identified above. (T)

- I. Phasing. Prior to any site plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition V.H. shall be submitted to and approved by the Transportation Department. (T)
- J. Transportation Densities. For traffic planning purposes, the maximum density of the property shall be 200,000 square feet of general office (324 AM and 298 PM peak hour trips) or equivalent densities as approved by the Transportation Department. Equivalent densities shall be determined by comparing AM and PM peak hour trip generation estimates. (T)

AYES: Messrs. Gecker, Litton, Cunningham and Stack.
ABSENT: Mr. Gulley.

03SN0215: In Dale Magisterial District, **JOHN D. HUGHES** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-88) with Conditional Use to permit stock farm use (keeping of horses). Residential use of up to 0.5 unit per acre is permitted in a Residential (R-88) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1 to 5 acre lots (suited for Residential (R-88) zoning). This request lies on 78.0 acres fronting approximately 400 feet on the south line of Beach Road, approximately 70 feet west of Gates Bluff Drive. Tax ID 763-659-6609 (Sheet 25).

Ms. Orr presented an overview of the request and staff's recommendation for denial, noting that, although the request complied with the Southern and Western Area Plan, and the equestrian uses, as conditioned, were consistent with the goals of the Plan, the applicant had failed to address Transportation Department concerns relative to access to Beach Road.

Mr. John V. Cogbill, III, the applicant's representative, did not accept staff's recommendation, noting the proposed development would be unique in that it would bring an equestrian community to the County. He further stated that, historically, the specific location for access was not required to be provided at the time of zoning and suggested modifications relative to several conditions regarding buffer reductions, riding trails, electric fences and permitted retail sales in the proposed equestrian common area.

Mr. Oliver D. "Skitch" Rudy, representing residents of Morrisette Road, stated area residents were satisfied with the proposal, as recommended by staff.

Mr. Gecker opened the discussion for public comment.

In response to comments/questions concerning the applicant's request to modify several conditions, Mr. Rudy stated the buffer reduction from fifty (50) feet to ten (10) feet for installation of a pasture fence was acceptable; however, area residents preferred that the location of any structures be restricted to a fifty (50) foot setback requirement.

Mr. Bill Shields, an adjacent property owner, expressed concerns relative to the installation of a turbidity curtain to preclude runoff into an off-site pond and the amount of setback/buffer that would be provided for adjacent properties.

Mr. Litton indicated that the protection for the off-site pond should be addressed through a private agreement.

There being no one else to speak, Mr. Gecker closed the public hearing at approximately 8:02 p. m.

There was discussion relative to the conditions addressing setback/buffers and retail sales and the ramifications of amendment to those conditions.

In rebuttal, Mr. Cogbill addressed previously expressed concerns, noting that the applicant intended to develop a quality, equestrian community and would continue to work with area residents to address their concerns.

In an effort to reach agreement on the appropriate language for amending Conditions 1 and 2, the Commission recessed at approximately 8:18 p. m. to allow Mr. Cogbill to confer with his client and staff.

The Commission reconvened at approximately 8:25 p. m., at which time staff read aloud the proposed revised conditions.

Messrs. Cogbill and Rudy indicated the revised conditions, as read by staff, were acceptable.

Mr. Litton indicated the recommended conditions would provide protection for adjacent properties and issues related to the location of access to Beach Road should be evaluated during the tentative subdivision plan process at which time more detailed information would be available relative to sight distance and the necessity for off-site easements.

In response to a question from Mr. Litton, Mr. Cogbill indicated an additional condition addressing the location of equestrian facilities on individual lots allowed as an accessory use to a residential dwelling which had received either a temporary or final occupancy permit on the lot rather than a temporary or final building permit, was acceptable.

On motion of Mr. Litton, seconded by Mr. Stack, the Commission resolved to recommend approval of Case 03SN0215, subject to the following conditions and acceptance of the following proffered conditions:

CONDITIONS

1. Pasture areas, improved riding trails, exercise grounds or similar facilities shall be located a minimum of ten (10) feet from any adjacent property which is not the subject of this request. This shall not preclude the riding of horses within the ten (10) foot area. Stables, barns or similar structures for the housing of horses shall be located a minimum of fifty (50) feet from any adjacent property which is not the subject of this request. (P)

(Staff Note: This condition does not supercede the Health Code requirement regarding the setback for these facilities from existing or proposed wells.)

2. No retail sales shall be permitted in association with the stock farm use. This shall not include typical yard sales at which used "equestrian" goods may be sold nor the incidental sale of horses. There shall be no horse shows or similar activities conducted on the Property. (P)
3. Location of Equestrian Facilities on Individual Lots. The keeping of horses on individual lots

shall be permitted as an accessory use to a residential dwelling which has received either a temporary or final occupancy permit on the lot. Within individual lots, improvements shall be permitted to include, but not be limited to, stables, barns, exercise grounds, and other equestrian facilities. (P)

(Staff Note: This condition replaces Proffered Condition 10.)

PROFFERED CONDITIONS

The Owner (the "Owner") in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for himself and his successors or assigns, proffers that the development of the property known as Chesterfield County Tax Identification Number 763-659-6609 (the "Property") under consideration will be developed according to the following conditions if, and only if, the rezoning request for R-88 with Conditional Use is granted. In the event the request is denied or approved with conditions not agreed to by the Owner, the proffers and conditions shall immediately be null and void and of no further force or effect. If the zoning is granted, these proffers and conditions will supersede all proffers and conditions now existing on the Property.

The application contains one exhibit described as follows:

Exhibit A – Plan titled "Preliminary Plan, 77.96 Acres +/- Parcel, Standing in the Name of John Hughes, Dale District, Chesterfield County, Virginia", prepared by Johnson, Mirmiran & Thompson, dated August 1, 2002, last revised April 2, 2003.

1. Timbering. With the exception of timbering which has been approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
2. Number of Lots. No more than fifteen (15) single family residential lots shall be developed on the Property. (P)
3. Minimum House Size. All dwelling units shall have a minimum gross floor area of 2000 square feet. (BI)
4. Dedication. Forty-five (45) feet of right-of-way on the south side of Beach Road, measured from the centerline of Beach Road immediately adjacent to the Property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. This dedication shall occur in conjunction with recordation of the initial subdivision plat for the development of the Property. (T)
5. Shoulder Improvement. In conjunction with development of the initial subdivision, a seven (7) foot wide unpaved shoulder, with modifications approved by the Transportation Department, shall be constructed along the south side of Beach Road for the entire Property frontage. The developer shall also dedicate to and for the benefit of Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for this improvement. (T)

6. Access. Direct access from the Property to Beach Road shall be limited to one (1) entrance/exit. The exact location of this access shall be approved by the Transportation Department. (T)
7. No Access to Morrisett Road. There shall be no access from the Property to Morrisett Road. (T)
8. Equestrian Common Area. The location of the Equestrian Common Area shall be generally as shown on Exhibit A. Within the Equestrian Common Area, improvements shall be permitted to include, but not be limited to, stabling areas, riding rings, and other equestrian facilities. The keeping of horses shall be permitted within the Equestrian Common Area. No retail sales shall be permitted in the Equestrian Common Area. There shall be no horse shows conducted in the Equestrian Common Area. (P)
9. Limitation on Stock Farm Use. Any stock farm use shall be limited to the keeping of horses. (P)
10. The Commission recommended that this condition not be accepted.
11. Maintenance. All facilities and areas associated with the keeping of horses shall be cleaned and made free of waste on a regular basis. Methods shall be employed to eliminate any odor problems and the propagation of insects. (P)
12. Manufactured Homes. Manufactured homes shall not be permitted on the Property. (P)
13. Covenant Regarding Manufactured Homes. The following shall be recorded as restrictive covenants in conjunction with recordation of any subdivision plat for the Property: "No manufactured homes shall be allowed to become a residence, temporary or permanent." (P)
14. Cash Proffer. For each single family residential dwelling unit developed, the applicant, subdivider, or assignee(s) shall pay \$9,000.00 per unit to the County of Chesterfield, prior to the time of issuance of a building permit, for infrastructure improvements within the service district for the Property if paid prior to July 1, 2003. Thereafter, such payment shall be the amount approved by the Board of Supervisors not to exceed \$9,000.00 per unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2002 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2003. If any of the cash proffers are not expended for the purposes designated by the Capital Improvement Program within fifteen (15) years from the date of payment, they shall be returned in full to the payor. Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the Property, the amount paid in cash proffers shall be in lieu of or credited toward, but not in addition to, any impact fees in a manner as determined by the County. (B&M)

AYES: Messrs. Gecker, Litton, Cunningham and Stack.
ABSENT: Mr. Gulley.

F. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Stack, seconded by Mr. Cunningham, that the meeting adjourned at approximately 8:37 p. m. to May 20, 2003, at 12:00 Noon in the Executive Session Meeting Room of the Chesterfield County Government Complex.

AYES: Messrs. Gecker, Litton, Cunningham and Stack.
ABSENT: Mr. Gulley.

Chairman/Date

Secretary/Date